

JUNE 25, 2004

1:01-cv-878

EDWARD COSS
L.C.P.
1371 N. WASH. AVE.
SCRANTON, PA. 18503

FILED
SCRANTON

JUL 01 2004

THE HONORABLE JUDGE WILLIAM CALDWELL
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF PENNSYLVANIA
235 N. WASHINGTON AVENUE
SCRANTON, PA. 18503

PER M. S. P.
DEPUTY CLERK

RE: REQUEST TO REOPEN HABES CORPUS PETITION

DEAR JUDGE CALDWELL:

I FILED WITH THIS COURT IN 2001 A WRIT FOR HABES CORPUS. YOUR HONOR GRANTED MY REQUEST TO ADMINISTRATIVELY CLOSE THE MATTER UNTIL THE MATTER WAS RESOLVED IN STATE COURT.

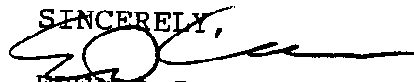
I RESPECTFULLY REQUEST FOR THAT MATTER TO BE REOPENED, AND I WOULD LIKE TO ASK FOR THE COURT'S PERMISSION TO AMEND MY PETITION.

THERE SEEM'S TO BE A VERY SERIOUS ERROR OCCURRING, ONE THAT THE FEDERAL COURT'S MUST CORRECT. 94:CIV-1481 WAS FILED IN 1994, THAT PETITION WENT THROUGH THE SYSTEM, AND EVENTUALLY ENDED AT OUR U.S. SUPREME COURT. THE PROBLEM IS, THAT THE THIRD CIRCUIT RULED IN MY FAVOR REGARDING THE INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM, AND THE DISTRICT ATTY. FAILED TO APPEAL THAT ASPECT OF THE THIRD CIRCUIT DECISION TO THE SUPREME COUR, RESULTING IN A WAIVER OF THOSE ISSUE'S, AND IN 2001 I WAS UNDER THE IMPRESSION THAT THE THIRD CIRCUIT WOULD ISSUE THE WRIT PERTAINING TO THE INEFFECTIVE CLAIM ONLY.

I FILED THE PETITION IN THE MIDDLE DISTRICT BECAUSE I WAS IMPRISONED IN HUNTINDON COUNTY, AND I WANTED TO MAKE SURE THAT I WAS KEEPING THAT CASE ALIVE, AND LATER BE ABLE TO SHOW THAT I AT NO TIME WAIVED ANY RELIEF ENTITLED DO TO THE THIRD CURCUIT'S RULING, 204 F.3d 453 (2000).

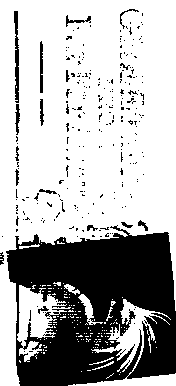
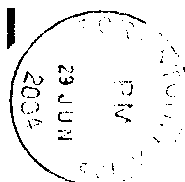
I APPRECIATE YOUR TIME AND CONSIDERATION IN THIS MATTER, AND HOPE THAT THIS MATTER CAN BE REOPENED. I RESPECTFULLY ONCE AGAIN ASK PERMISSION TO AMEND THE SAME.

SINCERELY,

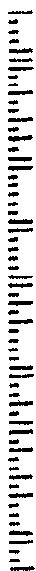


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